



AF/1745
JFW

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Attorney Docket No. 2950.27US01

APPEAL BRIEF TRANSMITTAL

In re the application of:

BUCKLEY et al.

Confirmation No.: 5623

Application No.: 09/435,748

Examiner: Mark Ruthkosky

Filed: November 8, 1999

Group Art Unit: 1745

For: BATTERIES WITH THIN ELECTRODES

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith, in triplicate, is the Appeal Brief in the above-identified application, with respect to the Notice of Appeal filed on January 23, 2004. Also enclosed is a Response to Notice of Non-Compliance. Applicants believe that no fee is due since the fee for filing the Appeal Brief was previously submitted. If this is incorrect, please charge the noted deposit account.

Applicant(s) is/are entitled to small entity status in accordance with 37 CFR 1.27.

A check in the amount of [] \$330.00 (large entity) [] \$165.00 (small entity) to cover the brief filing fee and one month extension of time filing fee.

Respectfully submitted,

Peter S. Dardi, Ph.D.
Registration No. 39,650

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 29, 2004
Date of Deposit

Peter S. Dardi



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2950.27US01

Buckley et al.

Confirmation No.: 5623

Application No.: 09/435,748

Examiner: M. Ruthkosky

Filed: November 8, 1999

Group Art Unit: 1745

For: BATTERIES WITH THIN ELECTRODES

RESPONSE TO NOTIFICATION OF NON-COMPLIANCE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

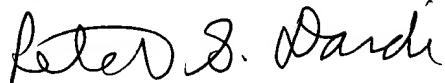
COMMENTS

In response to the Notification of Non-Compliance with 37 C.F.R. § 1.192(c), Appellants hereby submit in triplicate a corrected Appeal Brief. With respect to the indicated points of non-compliance, Applicants note that specific reference has been made to canceled claims as well as the claim under appeal. Also, Appellants have added references to the specification by page and line numbers in the Summary of the Invention.

Furthermore, the Examiner asserted that the Examiner's "objection" to the claims for introducing new matter is not appealable. Appellants' undersigned representative had a brief phone conference with regarding the objection to the claims as new matter. The Examiner indicated that the "objection" needed to be reformulated as a "rejection" in a Supplemental Office Action. Appellants agree that this would be consistent with the statutory scheme and the MPEP. Appellants will request reinstatement of the Appeal following the issuance of a new

Office Action. This issue is addressed unchanged as a Written Description rejection in the analysis in the Corrected Appeal Brief.

Respectfully submitted,



Peter S. Dardi, Ph.D.
Registration No. 39,650

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